

JMM/SK
F.#2013R00948

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

No. 13-CR-607 (JFB)

PHILLIP A. KENNER and
TOMMY C. CONSTANTINE,
also known as
“Tommy C. Hormovitis,”

Defendants.

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THE GOVERNMENT’S LIST OF 3500 MATERIAL

LORETTA E. LYNCH
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Eastern District of New York
610 Federal Plaza
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James M. Miskiewicz
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Assistant United States Attorneys
(Of Counsel)

NUMBER	DESCRIPTION	WITNESS
3500-JB-1	Memorandum of Interview, 11/14/13	Jeff Bailey
3500-BB-1	FBI 302, 09/17/13	Bryan Berard
3500-BB-2	FBI 302, 08/02/13	Bryan Berard
3500-BB-3	Deposition of Bryan Berard in Nolan v. Kenner, American Arbitration Association Phoenix, AZ 05/30/09	Bryan Berard
3500-BB-4	Northern Trust letter, 03/11/05	Bryan Berard
3500-BB-5	Meeting between Gaudet, Kaiser, and Berard, 01/17/12	Bryan Berard
3500-BB-6	Phone conversation between Gaudet, Kaiser, and Berard, 01/19/12	Bryan Berard
3500-BB-7	Phone conversation between Gaudet, Kaiser, and Berard, 01/20/12	Bryan Berard
3500-BB-8	Phone conversation between Gaudet and Berard, 01/30-31/12	Bryan Berard
3500-BB-9	Phone conversation between Gaudet and Berard, 01/30-31/12	Bryan Berard
3500-BB-10	Phone conversation between Gaudet and Berard, 01/21/12	Bryan Berard
3500-BB-11	Phone conversation between Berard and Richards, 01/2012	Bryan Berard
3500-BB-12	Phone conversation between Berard and Richards, 01/2012	Bryan Berard
3500-BB-13	Phone conversation between Berard and Richards, 01/2012	Bryan Berard
3500-BB-14	Phone conversation between Berard and Richards, 01/2012	Bryan Berard
3500-BB-15	Phone conversation between Berard and Richards, 01/2012	Bryan Berard
3500-BB-16	Phone conversation between Berard and Richards, 01/2012	Bryan Berard
3500-BB-17	Phone conversation between Berard and Richards, 01/2012	Bryan Berard

NUMBER	DESCRIPTION	WITNESS
3500-MB-1	FBI 302, 10/14/09	Martin Biron
3500-DPB-1	FBI 302, 02/16/10	David P. Boyden
3500-DB-1	Handwritten notes, 09/11/09	Dan Boyle
3500-DB-2	Declaration of Dan Boyle in Kenner v. Myrick, 07/29/09	Dan Boyle
3500-DB-3	Declaration of Dan Boyle, 04/29/09	Dan Boyle
3500-KB-1	Handwritten notes, 09/08/09	Kip Brennan
3500-RB-1	Handwritten notes, 02/22/10	Robert Burdick
3500-BC-1	Handwritten notes, 07/16/12	Brian Campbell
3500-GC-1	Handwritten notes, 07/27/09	Greg Carrafiello
3500-GD-1	FBI 302, 09/20/12	Greg DeVries
3500-GD-2	FBI 302, 07/12/12	Greg DeVries
3500-GD-3	FBI 302, 06/08/12	Greg DeVries
3500-SD-1	Deposition of Stephanie Dixon in Nolan v. Kenner, American	Stephanie Dixon

NUMBER	DESCRIPTION	WITNESS
	Arbitration Association Austin, TX 05/27/09	
3500-LD-1	Memorandum of Interview, 07/24/14	Lanie Donlan
3500-LD-2	Memorandum of Interview, 09/09/14	Lanie Donlan
3500-EE-1	Memorandum of Interview, 11/15/13	Eric Edenholtm
3500-SEF-1	Memorandum of Interview, 12/16/13	Sue Ellen Ferguson
3500-LE-1	Phone conversation between Elliott and Mascarella	Linda Elliott
3500-TG-1	Handwritten notes, 01/11/12	Timothy Gaarn
3500-TG-2	Handwritten notes, 06/05/12	Timothy Gaarn
3500-TG-3	Phone conversation between Gaarn and Kenner, 01/12/12	Timothy Gaarn
3500-TG-4	Phone conversation between Gaarn and Kenner, 01/13/12	Timothy Gaarn
3500-TG-5	Phone conversation between Gaarn and Kenner, 01/17/12	Timothy Gaarn
3500-TG-6	Phone conversation between Gaarn and Kenner, 06/21/12	Timothy Gaarn
3500-TG-7	Phone conversation between Gaarn and Kenner, 06/29/12	Timothy Gaarn
3500-TG-8	Phone conversation between Gaarn and Kenner, 10/05/12	Timothy Gaarn
3500-RG-1	Deposition of Robert Gaudet in Nolan v. Kenner, American Arbitration Association Phoenix,	Robert Gaudet

NUMBER	DESCRIPTION	WITNESS
	AZ 05/30/09	
3500-RG-2	(intentionally left blank)	
3500-RG-3	(intentionally left blank)	
3500-RG-4	Letter, 01/28/10	Robert Gaudet
3500-RG-5	Memorandum of Interview, 10/16/14	Robert Gaudet
3500-RG-6	Memorandum of Interview, 03/05/14	Robert Gaudet
3500-RG-7	Memorandum of Interview, 04/22-23/14	Robert Gaudet
3500-RG-8	Memorandum of Interview, 04/30/14	Robert Gaudet
3500-RG-9	Memorandum of Interview, 04/30/14	Robert Gaudet
3500-RG-10	Video of Deposition, 07/02/09	Robert Gaudet
3500-RG-11	Meeting between Gaudet, Kaiser, and Berard, 01/17/12	Robert Gaudet
3500-RG-12	Phone conversation between Gaudet, Kaiser, and Berard, 01/19/12	Robert Gaudet
3500-RG-13	Phone conversation between Gaudet, Kaiser, and Berard, 01/20/12	Robert Gaudet
3500-RG-14	Phone conversation between Gaudet and Berard, 01/30-31/12	Robert Gaudet
3500-RG-15	Phone conversation between Gaudet and Berard, 01/25-27/12	Robert Gaudet
3500-RG-16	Phone conversation between Gaudet and Berard, 01/21/12	Robert Gaudet
3500-CRG-1	Handwritten notes, 03/27/12	C.R. Gentry
3500-CRG-2	Handwritten notes, 06/18/12	C.R. Gentry
3500-CRG-3	Skype conversation between Gentry and Constantine	C.R. Gentry

NUMBER	DESCRIPTION	WITNESS
3500-SG-1	Proffer Agreement, SDNY, 02/08/10	Sergei Gonchar
3500-SG-2	Handwritten notes, 02/08/10	Sergei Gonchar
3500-SG-3	Northern Trust letter, 10/27/04	Sergei Gonchar
3500-SG-4	Fax – Affidavit of Sergei Gonchar, 5/30/09	Sergei Gonchar
3500-JG-1	FBI 302, 11/02/09	John Grahame
3500-JGR-1	Text messages, 10-11/2013	James Grdina
3500-JGR-2	(intentionally left blank)	
3500-JGR-3	Memorandum of Interview, 11/15/13	James Grdina
3500-JGR-4	Memorandum of Interview, 07/17/14	James Grdina
3500-MMG-1	FBI 302, 11/06/09	Moses Moshe Gutman
3500-MMG-2	Memorandum of Interview, 01/24/14	Moses Moshe Gutman
3500-SH-1	FBI 302, 09/16/09	Shawn Hughes
3500-BI-1	FBI 302, 11/02/09	Brad Isbister
3500-KJ-1	FBI 302, 05/28/14	Kenneth Jowdy
3500-KJ-2	Handwritten notes, 03/24/10	Kenneth Jowdy

NUMBER	DESCRIPTION	WITNESS
3500-KJ-3	Handwritten notes, 02/25/10	Kenneth Jowdy
3500-KJ-4	Deposition of Kenneth Jowdy in Murray v. Jowdy, Clark County, NV District Court, 04/13/09	Kenneth Jowdy
3500-KJ-5	Deposition of Kenneth Jowdy in Nolan v. Kenner, American Arbitration Association Phoenix, AZ 05/27/09	Kenneth Jowdy
3500-KJ-6	Draft FBI 302, 05/20/14	Kenneth Jowdy
3500-KJ-7	Deposition of Kenneth Jowdy in DeVries v. Jowdy, 01/05-06/10 (video)	Kenneth Jowdy
3500-JJ-1	Handwritten notes, 10/22/09	Joe Juneau
3500-JJ-2	Handwritten notes, 09/18/12	Joe Juneau
3500-JJ-3	Deposition of Joe Juneau in Nolan v. Kenner, American Arbitration Association Phoenix, AZ 05/27/09	Joe Juneau
3500-JK-1	Handwritten notes, 10/19/10	John Kaiser
3500-JK-2	Deposition of John Kaiser in Nolan v. Kenner, American Arbitration Association Phoenix, AZ 05/30/09	John Kaiser
3500-JK-3	Draft FBI 302, 09/09/13	John Kaiser
3500-JK-4	(intentionally left blank)	
3500-JK-5	(intentionally left blank)	
3500-JK-6	(intentionally left blank)	
3500-JK-7	Memorandum of Interview, 10/02/14	John Kaiser

NUMBER	DESCRIPTION	WITNESS
3500-JK-8	Meeting between Gaudet, Kaiser, and Berard, 01/17/12	John Kaiser
3500-JK-9	Phone conversation between Gaudet, Kaiser, and Berard, 01/19/12	John Kaiser
3500-JK-10	Phone conversation between Gaudet, Kaiser, and Berard, 01/20/12	John Kaiser
3500-BL-1	FBI 302, 09/30/09	Brad Lukowich
3500-CM-1	Handwritten notes, 09/17/10	Chris Manfredi
3500-CM-2	Handwritten notes, 10/02/10	Chris Manfredi
3500-AM-1	Letter to Bryan Berard, 02/09/09	Aaron Mascarella
3500-AM-2	Letter to Bryan Berard, 03/19/09	Aaron Mascarella
3500-AM-3	Notice of Exclusive Control(Berard and Kenner), 03/19/09	Aaron Mascarella
3500-AM-4	Letter to Sergei Gonchar, 02/09/09	Aaron Mascarella
3500-AM-5	Letter to Sergei Gonchar, 03/19/09	Aaron Mascarella
3500-AM-6	Notice of Exclusive Control (Gonchar and Kenner), 03/19/09	Aaron Mascarella
3500-AM-7	Letter to Steve Rucchin, 02/09/09	Aaron Mascarella
3500-AM-8	Letter to Steve Rucchin, 03/19/09	Aaron Mascarella
3500-AM-9	Notice of Exclusive Control (Rucchin and Kenner), 03/19/09	Aaron Mascarella
3500-AM-10	Letter to Darryl Sydor, 02/26/09	Aaron Mascarella
3500-AM-11	Letter to Darryl Sydor, 03/19/09	Aaron Mascarella

NUMBER	DESCRIPTION	WITNESS
3500-AM-12	Notice of Exclusive Control (Sydor and Kenner), 03/19/09	Aaron Mascarella
3500-AM-13	Letter to Michael Peca, 02/09/09	Aaron Mascarella
3500-AM-14	Letter to Michael Peca, 03/19/09	Aaron Mascarella
3500-AM-15	Notice of Exclusive Control (Peca and Kenner), 03/19/09	Aaron Mascarella
3500-AM-16	Letter to Mattias Norstrom, 02/09/09	Aaron Mascarella
3500-AM-17	Letter to Mattias Norstrom, 03/19/09	Aaron Mascarella
3500-AM-18	Notice of Exclusive Control (Norstrom and Kenner), 03/19/09	Aaron Mascarella
3500-AM-19	Letter to Glen Murray, 02/09/09	Aaron Mascarella
3500-AM-20	Letter to Glen Murray, 03/19/09	Aaron Mascarella
3500-AM-21	Notice of Exclusive Control (Murray and Kenner), 03/19/09	Aaron Mascarella
3500-AM-22	Handwritten notes, 10/15/10	Aaron Mascarella
3500-AM-23	Email, 04/09/12	Aaron Mascarella
3500-AM-24	Email, 03/29/07	Aaron Mascarella
3500-AM-25	Deposition of Aaron Mascarella in Nolan v. Kenner, American Arbitration Association Scottsdale, AZ 03/24/09	Aaron Mascarella
3500-AM-26	Phone conversation between Mascarella and Elliott	Aaron Mascarella
3500-AM-27	Phone conversation between Mascarella and bank employee	Aaron Mascarella
3500-AM-28	Phone conversation between Mascarella and bank employee	Aaron Mascarella
3500-AM-29	Phone conversation between Mascarella and bank employee (clip)	Aaron Mascarella
3500-AM-30	Phone conversation between Mascarella and bank employee (clip)	Aaron Mascarella

NUMBER	DESCRIPTION	WITNESS
3500-AM-31	Phone conversation between Mascarella and bank employee (clip)	Aaron Mascarella
3500-AM-32	Phone conversation between Mascarella and bank employee (clip)	Aaron Mascarella
3500-AM-33	Phone conversation between Mascarella and bank employee (clip)	Aaron Mascarella
3500-AM-34	Phone conversation between Mascarella and bank employee (clip)	Aaron Mascarella
3500-AM-35	Phone conversation between Mascarella and bank employee (clip)	Aaron Mascarella
3500-JM-1	FBI 302, 05/31/12	Jay McKee
3500-JM-2	FBI 302, 03/01/10	Jay McKee
3500-PM-1	CV	Peter Melley
3500-PM-2	Sample testimony (U.S. v. Kruse, 02/05/13)	Peter Melley
3500-PM-3	Sample testimony (U.S. v. Behrens, 10/18/11)	Peter Melley
3500-PM-4	Sample testimony (U.S. v. Behrens, 10/19/11)	Peter Melley
3500-JAM-1	Memorandum of Interview, 10/04/13	James Milana
3500-EM-1	FBI 302, 09/20/10	Ethan Moreau
3500-EM-2	FBI 302, 09/20/12	Ethan Moreau

NUMBER	DESCRIPTION	WITNESS
3500-GM-1	FBI 302, 07/03/12	Glen Murray
3500-GM-2	Deposition of Glen Murray in Murray v. Jowdy, Clark County, NV Dist. Court, 08/04/09	Glen Murray
3500-GM-3	Trial Testimony, Murray v. Jowdy, Clark County NV Dist. Court, 12/01/10	Glen Murray
3500-RM-1	FBI 302, 07/16/12	Raymond Murray
3500-KM-1	Handwritten notes, 09/09/10	Kristine Myrick
3500-TN-1	Handwritten notes, 09/23/10	Tyson Nash
3500-TN-2	(intentionally left blank)	
3500-TN-3	Deposition of Tyson Nash in Kenner v. Kaiser, Superior Court, Maricopa County, AZ, 09/17/14	Tyson Nash
3500-ON-1	Handwritten notes, 09/09/10	Owen Nolan
3500-ON-2	Deposition of Owen Nolan in Nolan v. Kenner, American Arbitration Association Phoenix, AZ 05/26/09	Owen Nolan
3500-MN-1	Handwritten notes, 01/11/12	Mattias Norstrom
3500-MN-2	Affidavit of Mattias Norstrom, 05/30/09	Mattias Norstrom
3500-KP-1	FBI 302, 09/06/13	Kristin Peca

NUMBER	DESCRIPTION	WITNESS
3500-KP-2	Draft FBI 302, 09/06/13	Kristin Peca
3500-KP-3	(intentionally left blank)	
3500-KP-4	(intentionally left blank)	
3500-KP-5	Memorandum of Interview, 07/17/14	Kristin Peca
3500-KP-6	Phone conversation between K. Peca and Kenner, 07/22/12	Kristin Peca
3500-KP-7	Phone conversation between K. Peca and Kenner, 07/22/12	Kristin Peca
3500-KP-8	Phone conversation between K. Peca and Kenner, 07/22/12	Kristin Peca
3500-KP-9	Phone conversation between K. Peca and Kenner	Kristin Peca
3500-KP-10	Phone conversation between K. Peca and Kenner	Kristin Peca
3500-KP-11	Phone conversation between K. Peca and Kenner	Kristin Peca
3500-MP-1	FBI 302, 09/06/13	Michael Peca
3500-MP-2	FBI 302, 09/30/09	Michael Peca
3500-MP-3	Handwritten notes, 02/22/12	Michael Peca
3500-MP-4	Handwritten notes, undated	Michael Peca
3500-MP-5	Grand Jury testimony SDNY, 03/29/11	Michael Peca
3500-MP-6	Draft FBI 302, 09/06/13	Michael Peca
3500-MP-7	Memorandum of Interview, 07/17/14	Michael Peca
3500-MP-8	Phone conversation between M. Peca and Kenner, 07/12/12	Michael Peca
3500-MP-9	Phone conversation between M. Peca and Kenner, 07/12/12	Michael Peca
3500-MP-10	Phone conversation between M. Peca and Kenner, 07/12/12	Michael Peca

NUMBER	DESCRIPTION	WITNESS
3500-MP-11	Phone conversation between M. Peca and Kenner, 07/12/12	Michael Peca
3500-MP-12	Phone conversation between M. Peca and Kenner, 07/12/12	Michael Peca
3500-MP-13	Phone conversation between M. Peca and Kenner, 07/12/12	Michael Peca
3500-NP-1	Handwritten notes, 01/18/12	Nick Privitello
3500-NP-2	Fax from Privitello to Stolper	Nick Privitello
3500-NP-3	Email, 03/17/11	Nick Privitello
3500-NP-4	Email, 12/19/11	Nick Privitello
3500-NP-5	Memorandum of Interview, 10/02/14	Nick Privitello
3500-NP-6	Voicemail message to Constantine	Nick Privitello
3500-NP-7	Phone conversation between Privitello and Constantine	Nick Privitello
3500-NP-8	Phone conversation between Privitello and Richards	Nick Privitello
3500-NP-9	Phone conversation between Privitello and Richards, 01/26/12	Nick Privitello
3500-NP-10	Phone conversation between Privitello and Richards, 01/26/12	Nick Privitello
3500-WR-1	FBI 302, 10/06/14	William Ranford
3500-WR-2	Handwritten notes, 07/25/12	William Ranford
3500-WR-3	Deposition of William Ranford in Kenner v. Kaiser, Phoenix, AZ, 09/17/14	William Ranford
3500-RR-1	Handwritten notes, 01/18/12	Robert Rizzi

NUMBER	DESCRIPTION	WITNESS
3500-SR-1	FBI 302, 10/01/13	Steve Rucchin
3500-SR-2	FBI 302, 10/01/13	Steve Rucchin
3500-SR-3	FBI 302, 09/24/12	Steve Rucchin
3500-SR-4	Handwritten notes, 07/16/12	Steve Rucchin
3500-SR-5	Handwritten notes, 10/07/10	Steve Rucchin
3500-SR-6	Northern Trust letter, 10/27/04	Steve Rucchin
3500-RS-1	Memorandum of Interview, 10/07/13	Richard Salgado
3500-HS-1	Deposition of Harlan Schneider in Nolan v. Kenner, American Arbitration Association Scottsdale, AZ 04/17/09	Harlan Schneider
3500-HS-2	Memorandum of Interview, 11/14/13	Harlan Schneider
3500-FS-1	Memorandum of Interview, 03/17/14	Frank Sconzo
3500-JS-1	Memorandum of Interview, 10/03/14	Jonathan Smith
3500-JS-2	Memorandum of Interview, 02/24/14	Jonathan Smith
3500-GS-1	FBI 302, 10/19/09	Garth Snow
3500-TS-1	Grand Jury Testimony, SDNY, 03/29/11	Turner Stevenson

NUMBER	DESCRIPTION	WITNESS
3500-DS-1	Handwritten notes, 07/20/12	Darryl Sydor
3500-DS-2	Grand Jury testimony SDNY, 03/29/11	Darryl Sydor
3500-DS-3	Deposition of Darryl Sydor in Kenner v. Myrick, Los Angeles, CA Superior Court, 07/07/09	Darryl Sydor
3500-DS-4	Northern Trust letter, 11/03/04	Darryl Sydor
3500-VT-1	Memorandum of Interview, 09/10/14 & 12/15/14	Vincent Tesoriero
3500-MT-1	Deposition of Mark Thalmann in Murray v. Jowdy, 09/21/09	Mark Thalmann
3500-JT-1	Deposition of Jean Turpin in Nolan v. Kenner, American Arbitration Association Phoenix, AZ 05/27/09	Jean Turpin
3500-JT-2	Handwritten notes, 10/22/09	Jean Turpin
3500-JW-1	Memorandum of Interview, 11/14/13	S/A Joshua Wayne
3500-JW-2	Memorandum of Interview, 07/24/14	S/A Joshua Wayne
3500-JW-3	Memorandum of Interview, 09/09/14	S/A Joshua Wayne
3500-JW-4	Memorandum of Interview, 11/15/13	S/A Joshua Wayne
3500-JW-5	Memorandum of Interview, 12/16/13	S/A Joshua Wayne
3500-JW-6	Memorandum of Interview, 10/16/14	S/A Joshua Wayne
3500-JW-7	Memorandum of Interview, 03/05/14	S/A Joshua Wayne
3500-JW-8	Memorandum of Interview, 04/22-23/14	S/A Joshua Wayne

NUMBER	DESCRIPTION	WITNESS
3500-JW-9	Memorandum of Interview, 04/30/14	S/A Joshua Wayne
3500-JW-10	Memorandum of Interview, 04/30/14	S/A Joshua Wayne
3500-JW-11	Memorandum of Interview, 11/15/13	S/A Joshua Wayne
3500-JW-12	Memorandum of Interview, 07/17/14	S/A Joshua Wayne
3500-JW-13	Memorandum of Interview, 01/24/14	S/A Joshua Wayne
3500-JW-14	Memorandum of Interview, 10/02/14	S/A Joshua Wayne
3500-JW-15	Memorandum of Interview, 07/17/14	S/A Joshua Wayne
3500-JW-16	Memorandum of Interview, 10/04/13	S/A Joshua Wayne
3500-JW-17	Memorandum of Interview, 10/02/14	S/A Joshua Wayne
3500-JW-18	Memorandum of Interview, 10/07/13	S/A Joshua Wayne
3500-JW-19	Memorandum of Interview, 11/14/13	S/A Joshua Wayne
3500-JW-20	Memorandum of Interview, 03/17/14	S/A Joshua Wayne
3500-JW-21	Memorandum of Interview, 10/03/14	S/A Joshua Wayne
3500-JW-22	Memorandum of Interview, 02/24/14	S/A Joshua Wayne
3500-JW-23	Memorandum of Interview, 09/10/14 & 12/15/14	S/A Joshua Wayne
3500-JW-24	Application for Search Warrant, 11/13/13	S/A Joshua Wayne
3500-JDW-1	Deposition of Jason Woolley in Nolan v. Kenner, American Arbitration Association Phoenix, AZ 05/30/09	Jason Woolley